**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION No.26066 OF 2005**

**Dated: 06-12-2005**

**Between**

Mohd Asif Ali, S/o. Mohd Mahboob Ali, Occ: Bank Employee, R/o. H.No.2-4-1331, Ashoka Colony, Hanmakonda, Warangal and another.

...PETITIONERS

**AND**

The Commissioner, Municipal Corporation of Warangal, having office at Municipal Corporation Officer, Warangal and another.

...RESPONDENTS

**ORDER:**

Petitioners seek a Writ of Mandamus to declare the action of the respondents in dispossessing them from their premises bearing H.No.2-4-1331, Ashoka Colony, Hanmakonda, Warangal and in demolishing the same for the purpose of road widening without following due process of law as illegal.

Learned counsel for the petitioners submits that the petitioners are the owners of the above-mentioned house. While so, the first respondent in a meeting held on 04.12.2005 informed the petitioners that the Municipal Corporation would dismantle their house for the purpose of road widening. Learned counsel for the petitioners further submits that the petitioners are not at all against the road-widening programme of the respondents and they have no objection for the said programme if their consent is acquired and if proper compensation is paid.

The only grievance of the petitioners is that the respondents without issuing any notices, without paying any compensation for their structures or the lands and without following due process of law, are threatening the to demolish the existing structures of the petitioners for the purpose of road-widening.

The learned counsel for the petitioners further submit that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well Sections 146 and 147 of the Municipal Corporation Act (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the properties of the petitioners and not to dispossess them without following due process of law under Sections 146 and 147 of the Act or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

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V. ESWARAIAH, J

December 6, 2005

Note: Furnish C.C. of the order by 08.12.2005

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